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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELICA JO WHITEMAN,

Defendant.

CR 16-82-BLG-SPW

OFFER OF PROOF

The United States of America, represented by Lori Harper Suek, Assistant United States Attorney for the District of Montana, files its offer of proof.

THE CHARGE

The defendant, Angelica Jo Whiteman, is charged by indictment with aiding and abetting first-degree murder, in violation of 18 U.S.C. §§ 1153(a), 1111, and 2.

PLEA AGREEMENT

Whiteman will plead guilty to the indictment. The United States presented only one plea offer to Whiteman. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer that could be extended to Whiteman. *See Missouri v. Frye*, 566 U.S. 133, 145-46 (2012).

ELEMENTS OF THE CHARGE

In order for Whiteman to be found guilty of aiding and abetting first-degree murder as charged in the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, Dimarzio Swade Sanchez committed the crime of first-degree murder;

Second, the defendant intentionally aided and induced Dimarzio Swade Sanchez to commit at least one element of the crime of first degree murder; and

Third, the defendant acted before the crime was completed.

PENALTY

This offense carries mandatory life imprisonment, a \$250,000 fine, five years of supervised release, and a \$100 special assessment. Restitution is mandatory.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On April 17, 2016, the victim was at the Kirby Saloon in Kirby, Montana, with her common law husband. Witnesses at the Kirby Saloon told investigators that the victim and her husband got into an argument, after which the victim asked Whiteman for a ride home to Crow Agency. The victim followed Whiteman outside to a car; her husband followed. Whiteman called to co-defendant, Dimarzio Sanchez, for assistance. Sanchez confronted the husband, which caused him to walk back into the bar. The victim and Whiteman got in a car driven by Dimarzio Sanchez and occupied by four other individuals, including co-defendant Frank Sanchez. After stopping at least once and dropping off one of the passengers, the group drove toward Crow Agency. Dimarzio Sanchez was still driving, Whiteman was the front seat passenger, and Frank Sanchez and the victim were in the back seat with two other individuals.

During the drive from Kirby to Crow Agency, Whiteman began to argue with the victim. Whiteman, who had been sitting in the front passenger seat, jumped into the back seat and began to beat the victim. Whiteman told Dimarzio Sanchez to turn the vehicle around. Sanchez turned the car around and drove to Castle Rock Road, located at the 17-mile marker of Highway 212, which is within the exterior boundaries of the Crow Indian Reservation. He drove the car a couple of miles up Castle Rock Road, a dirt road.

Once they stopped, Whiteman dragged the victim out of the car, continued to beat her, and tried to strangle her. At one point, Dimarzio Sanchez showed Whiteman how to strangle the victim using a bandana. Rides Horse was stripped naked and beaten unconscious.

Dimarzio Sanchez told Frank Sanchez retrieve a gas can from the trunk of the car and gave it to Dimarzio Sanchez. Dimarzio Sanchez poured gas on the victim and then set her on fire. Whiteman, both Sanchez's, and the two remaining passenger left the area.

The victim remained in the field where she was beaten, strangled and burned for approximately fourteen hours until she was discovered and given emergency medical treatment. The victim suffered third degree burns over forty-five percent

of her body. She also suffered severe frostbite on her legs. Rides Horse was hospitalized in Salt Lake City, Utah, until her death, on July 19, 2016.

DATED this 10th day of August, 2017.

LEIF M. JOHNSON
Acting United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney